FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
WRIT PETITION NO.1492 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.A.L.Gore, for the petitioners.
None for the respondents.

CORAM: D.B.BHOSALE,J.
DATED: 03.10.2007

P.C.:

Heard learned counsel for the petitioners.None for the respondents.

This petition is directed against the judgment and order dated 16.2.2006 rendered by the Presiding Officer, School Tribunal, Mumbai, by which an appeal filed by the respondent-employee, a member of the non-teaching staff, has been allowed and the order of termination dated 4.8.1989 has been quashed and set aside. The petitioner are also directed to reinstate the respondent-employee to the post of peon and pay back wages from the date of the order. It appears that the service of the

respondent-employee was terminated on the ground of misconduct without conducting enquiry and/or following the due procedure. Mr Gore, learned counsel for the petitioners, submitted that when the respondent-employee was appointed, no letter of appointment was issued to him nor was he confirmed by the petitioner-institution. This argument is not open to the petitioner in view of the fact that the termination was not on that ground, apart from the fact that such contention was not urged earlier. Moreover, it appears that the respondent-employee was treated as permanent employee of the school. Considering the reasons recorded by the Tribunal in the impugned judgment and more particularly in paragraphs 5 and 6 thereof, I find no reason to interfere with the same in extremely limited jurisdiction of this Court under Article 227 of the Constitution of India. Hence, the writ petition fails and is dismissed as such.

(D.B.BHOSALE,J.)